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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,766	03/16/2001	Ivan N. Vukovic	CE08427R	7092

22917 7590 08/09/2004  
MOTOROLA, INC.  
1303 EAST ALGONQUIN ROAD  
IL01/3RD  
SCHAUMBURG, IL 60196

EXAMINER

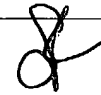
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/810,766	<b>Applicant(s)</b> VUKOVIC ET AL. 	
	<b>Examiner</b> Kwang B. Yao	<b>Art Unit</b> 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-8, 13, 15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Balazinski et al. (US 6,738,379).

The admitted prior described on pages 1-2 discloses a radio frequency transceiver system comprising the following features: regarding claim 1, receiving a plurality of packets to produce a plurality of received packets, wherein each received packet of the plurality of received packets comprises a packet identifier; and forwarding the sorted

Art Unit: 2667

received packets to an upstream component of an infrastructure of a communication system; regarding claim 3, wherein each packet identifier comprises a number of soft handoff legs of a corresponding packet of the plurality of packets; regarding claim 6, wherein each packet identifier is assigned to each received packet by a base station; regarding claim 7, wherein each packet identifier is assigned to a corresponding packet by a communication unit; regarding claim 8, wherein the upstream component comprises a packet selector; regarding claim 13, receive a plurality of packets to produce a plurality of received packets, wherein each received packet of the plurality of received packets comprises a packet identifier; and forward the sorted received packets to an upstream component of an infrastructure of a communication system; regarding claim 15, wherein each packet identifier comprises a number of soft handoff legs of a corresponding packet; regarding claim 18, wherein each packet identifier is assigned to each received packet by the base station; regarding claim 19, wherein each packet identifier is assigned to a corresponding packet by a communication unit; regarding claim 20, wherein the upstream component comprises a packet selector. The admitted prior art does not disclose the following features: regarding claim 1, sorting the plurality of received packets according to the packet identifiers; regarding claim 5, wherein each packet identifier comprises a packet sequence number; regarding claim 13, sort the plurality of received packets according to the packet identifiers associated with each of the received packets; regarding claim 17, wherein each packet identifier comprises a packet sequence number.

Balazinski et al. discloses a communication system comprising the following features: as depicted in Fig. 4, regarding claim 1, sorting (21) the plurality of received packets (31) according to the packet identifiers; regarding claim 5, wherein each packet

Art Unit: 2667

identifier comprises a packet sequence number (column 5, lines 54-59); regarding claim 13, sort (21) the plurality of received packets (31) according to the packet identifiers associated with each of the received packets; regarding claim 17, wherein each packet identifier comprises a packet sequence number (column 5, lines 54-59). See column 4-8.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of the admitted prior art, by using the features, as taught by Balazinski et al., in order to provide an efficient data communication system by having the data packets in the proper order initially sent by the sending application. See Balazinski et al., column 5, lines 3-12.

4. Claims 2, 4, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Balazinski et al. (US 6,738,379) as applied to claims 1, 13 above, and further in view of Beser (US 6,331,987).

The admitted prior art and Balazinski et al. disclose claimed invention above.

The admitted prior art and Balazinski et al. do not disclose the following features: regarding claim 2, wherein each packet identifier comprises a destination identifier; regarding claim 4, wherein each packet identifier comprises a communication unit identifier; regarding claim 14, wherein each packet identifier comprises a destination identifier; regarding claim 16, wherein each packet identifier comprises a communication unit identifier. Beser discloses a communication system comprising the following features: as described in TABLE 7 on column 14-15, regarding claim 2, wherein each packet identifier comprises a destination identifier (B6, Destination IP 68 address); regarding claim 4, wherein each packet identifier comprises a communication unit identifier (B4, Source IP 68 address); regarding claim 14, wherein each packet identifier

Art Unit: 2667

comprises a destination identifier (B6, Destination IP 68 address); regarding claim 16, wherein each packet identifier comprises a communication unit identifier (B4, Source IP 68 address). It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of the admitted prior art and Balazinski et al., by using the features, as taught by Beser, in order to provide an efficient data communication system by reducing the computational load in the system. See Beser, column 14, lines 30-47.

***Allowable Subject Matter***

5. Claims 9-12 and 21-23 are allowed.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Limberg (US 2001/0033341) discloses a broadcast TV signals system.

Brown et al. (US 6,157,621) discloses a satellite communication system.

Dabbs, III et al. (US 5,293,484) discloses a telecommunication system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

Art Unit: 2667

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO  
PRIMARY EXAMINER



Kwang B. Yao  
August 4, 2004